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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,254	03/17/2005	Johannes Hubertus Antonius Brekelmans	NL02 0909 US	4144
24738	7590	03/24/2006		
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION INTELLECTUAL PROPERTY & STANDARDS 1109 MCKAY DRIVE, M/S-41SJ SAN JOSE, CA 95131				
			EXAMINER KINKEAD, ARNOLD M	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/528,254	BREKELMANS, JOHANNES HUBERTUS ANTONIUS	
	Examiner	Art Unit	
	Arnold M. Kinkead	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Prel amdt.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,5,6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) 3,4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 17 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The Preliminary amendment filed 03-17-05 has been entered.

Specification

2. The abstract of the disclosure is objected to because the abstract should be on separate page. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: Appropriate headings for the specification should be provided.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,5,6,8,10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sutardja(US 6,750,727).

The reference by Sutardja discloses an LC oscillator, see figure 7, and col. 3, lines 47-54, which comprises a resonant circuit(L1,2 and C1,2); the capacitors coupled directly to ground. As noted in col. 3, the NMOS transistors can be NMOS or PMOS (cls 1,8) and therefor M1,2 are the first and second PMOS transistors forming the active circuit(cl. 1), with their respective gate and drains cross coupled. The active circuit is coupled to the resonance circuit and auxiliary transistors, M3,4, have input terminals(gates) *coupled* to the drain of the active circuit transistors. The output terminals are also *coupled* to the sources of the active circuit transistors. These transistors are also in series, as shown in figure 8, (see M1,2,3,4).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9,11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutardja in view of Mucke et al(US 6,268,778) and Albon et al (US 6,683,509) .

The reference by Sutardja discloses an LC oscillator, see figure 7, and col. 3, lines 47-54, which comprises a resonant circuit(L1,2 and C1,2); the capacitors coupled directly to ground. As noted in col. 3, the NMOS transistors can be NMOS or PMOS (cls 1,8) and therefor M1,2 are the first and second PMOS transistors forming the active circuit(cl. 1), with their respective gate and drains cross coupled. The active circuit is coupled to the resonance circuit and auxiliary transistors, M3,4, have input terminals(gates) *coupled* to the drain of the active circuit transistors. The output terminals are also *coupled* to the sources of the active circuit transistors. These transistors are also in series, as shown in figure 8, (see M1,2,3,4).

The reference by Sutardja does not highlight several conventional ideas such as integration and having a variable capacitance in the resonant circuit. However, the examiner will address these issues with several references below.

With regards the use of MOSCAPs, MOSFET devices coupled to be equivalent variable capacitors, the reference by Mucke et al, see figure 2, and col. 8, lines 49-end of column highlights the use of integrated type capacitance elements that are formed by MOSFETs. This reference also serves to highlight the desire to integrate all components on a chip as well as the variable capacitor.

With regards the use of VCO' s in PLL synthesizers that are used in TV tuners, the reference by Albon et al is relied upon, see background and figure 6, where a differential LC oscillator is used with a PLL in a TV tuner.

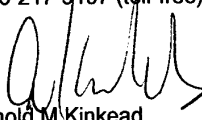
In light of the above it would have been obvious for one of ordinary skill in the art to have recognized that the VCO of Sutardja maybe implemented in a TV receiver application to allow correct tuning of the broadcast signal, etc. Also, integration allows for a more compact design as was suggested in the Mucke et al reference.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold M. Kinhead whose telephone number is 571-272-1763. The examiner can normally be reached on Mon-Fri, 8:30 am -5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 571-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Arnold M Kinhead
Primary Examiner
Art Unit 2817

Arnold Kinhead
March 17, 2006